

1 [Preparation of Findings to Reverse the Categorical Exemption Determination - Proposed
2 Commuter Shuttle Permit Program]

3 **Motion directing the Clerk of the Board to prepare findings reversing the determination**
4 **by the Planning Department that the proposed San Francisco Municipal Transportation**
5 **Agency Commuter Shuttle Permit Program is categorically exempt from environmental**
6 **review.**

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8 WHEREAS, On October 22, 2015, the Planning Department determined that the
9 proposed San Francisco Municipal Transportation Agency ("SFMTA") Commuter Shuttle
10 Permit Program ("Project") is exempt from environmental review under the California
11 Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San Francisco Administrative
12 Code, Chapter 31; and

13 WHEREAS, The SFMTA affirmed the Planning Department determination that the
14 SFMTA Commuter Shuttle Permit Program is exempt from environmental review under CEQA
15 on November 17, 2015, by SFMTA Resolution No. 15-161; and

16 WHEREAS, The proposed project would regulate commuter shuttle activity on San
17 Francisco streets by continuing and expanding the guidelines and requirements established
18 for the 18-month, SFMTA Commuter Shuttle Pilot Program implemented between August
19 2014 and January 2016; and

20 WHEREAS, Under the proposed project SFMTA would issue permits to eligible
21 commuter shuttle operations for use of public curb space, including designated passenger
22 loading zones and bus stops and construct capital improvements, such as transit boarding
23 islands and curb extensions ("bulb-outs"); and

24 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on
25 December 17, 2015, Rebecca L. Davis, of Lozeau Drury LLP, on behalf of the Coalition for

1 Fair, Legal and Environmental Transit; Service Employees International Union Local Union
2 1021 (“SEIU 1021”); Sue Vaughan, and Robert Planthold (collectively, “Appellants”) appealed
3 the exemption determination; and

4 WHEREAS, The Appellants provided a copy of the Planning Department’s Categorical
5 Exemption Determination, signed October 22, 2015, which found that the proposed project
6 was exempt under Class 1 and Class 8 of the CEQA Guidelines (14 Cal. Code Reg. Sections
7 15301 and 15308); Appellants also provided a copy of the SFMTA Resolution No. 15-161;
8 and

9 WHEREAS, The Planning Department’s Environmental Review Officer, by
10 memorandum to the Clerk of the Board dated December 21, 2015, determined that the appeal
11 was timely filed; and

12 WHEREAS, On February 23, 2016, this Board held a duly noticed public hearing to
13 consider the appeal of the exemption determination filed by Appellants and, following the
14 public hearing, affirmed the exemption determination; and

15 WHEREAS, In reviewing the appeal of the exemption determination, this Board
16 reviewed and considered the exemption determination, the appeal letter, the responses to the
17 appeal documents that the Planning Department prepared, the other written records before
18 the Board of Supervisors and all of the public testimony made in support of and opposed to
19 the exemption determination appeal; and

20 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
21 affirmed the exemption determination for the project based on the written record before the
22 Board of Supervisors as well as all of the testimony at the public hearing in support of and
23 opposed to the appeal; and

24 WHERAS, The written record and oral testimony in support of and opposed to the
25 appeal and deliberation of the oral and written testimony at the public hearing before the

1 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
2 the exemption determination is in the Clerk of the Board of Supervisors File No. 151272 and is
3 incorporated in this motion as though set forth in its entirety; now, therefore, be it

4 MOVED, That this Board of Supervisors directs the Clerk of the Board to prepare the
5 findings specifying the basis for its decision on the appeal of the exemption determination
6 issued by the Planning Department for the project.

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